

Ex. 3 5 U.S.C. § 7114(b)(4)

From: Dreyfus, Bethany <Dreyfus.Bethany@epa.gov>

Sent: Wednesday, April 7, 2021 7:16 AM

To: Drake, Kerry <Drake.Kerry@epa.gov>

Cc: Warren, Carl <Warren.Carl@epa.gov>; Mann, Michael <Mann.Michael@epa.gov>; Wong, Beatrice <wong.beatrice@epa.gov>; Taylor, Elizabeth <Taylor.Elizabeth@epa.gov>; Goldberg, Karen <Goldberg.Karen@epa.gov>; Fairbanks, Brianna <Fairbanks.Brianna@epa.gov>; Alkon, Margaret <Alkon.Margaret@epa.gov>; Yocom, Danita <Yocom.Danita@epa.gov>

Subject: RE: AFGU Union Office

Thank you, Kerry. Per my March 23 email, we should also discuss getting back the key to the 12th floor bulletin board and the union phone line. There was a phone and computer in the office that we want to discuss as well, but those are not needed immediately. I'm out this week, but let's set up a time to go through these things next week. Thanks.
Bethany

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Ex. 3 5 U.S.C. § 7114(b)(4)

From: AFGE Council 238 <afgec238@gmail.com>
Sent: Monday, March 1, 2021 5:31 PM
To: Nishida, Jane <Nishida.Jane@epa.gov>
Cc: Coomber, Robert <coomber.robert@epa.gov>
Subject: AFGE Council 238 scan.pdf

Good Afternoon Acting Administrator Nishida,

Please see attached letter from AFGE Council 238. I look forward to hearing from you.

Regards,

Gary Morton, President
AFGE Council 238

Ex. 3 5 U.S.C. § 7114(b)(4)

From: Brown, Philip <Brown.Philip01@epa.gov>

Sent: **Ex. 3 5 U.S.C. § 7114(b)(4)**

To: gmony3631@gmail.com

Cc: **Ex. 3 5 U.S.C. § 7114(b)(4)**

Subject: **Ex. 3 5 U.S.C. § 7114(b)(4)**

Mr. Morton,

Ex. 3 5 U.S.C. § 7114(b)(4)

Respectfully,

Phil Brown

Director, Labor Employee Relations Division
Office of Human Resources / Mission Support

US Environmental Protection Agency
1200 Pennsylvania Ave NW, Mail Code: 3602A
Washington, DC 20460
Phone: (202) 564-2607
Email: Brown.Philip01@epa.gov

Ex. 3 5 U.S.C. § 7114(b)(4)

Ex. 3 5 U.S.C. § 7114(b)(4)

From: Myers, Dianna <Myers.Dianna@epa.gov>

Sent: Thursday, March 18, 2021 12:39 PM

To: Blevins, John <Blevins.John@epa.gov>; Allenbach, Becky <Allebenach.Becky@epa.gov>; Asencio, Carlos I. <Asencio.Carlos@epa.gov>

Cc: Hughes-Fairley, Rosalyn <Hughes-Fairley.Rosalyn@epa.gov>; Vancuron, Francine <vancuron.francine@epa.gov>; Porter, Sharron <Porter.Sharron@epa.gov>; diannamyers534afge@gmail.com

Subject: AFGE Local 534 Request of Implementation of the Biden Executive Orders

Good Afternoon John,

Please find the attached memo which request Region 4 to implement the Biden Executive Orders. Please let me know if you have any additional questions.

Dianna B Myers

President, AFGE Local 534

Ph-404-562-9207

Email-Myers.dianna@epa.gov

Cell-678-895-5263

Email-Diannamyers534afge@gmail.com

Ex. 3 5 U.S.C. § 7114(b)(4)

From: Marie Owens (via Google Docs) <drive-shares-noreply@google.com>

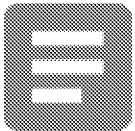
Sent: Thursday, March 18, 2021 10:31 AM

To: Esher, Diana <Esher.Diana@epa.gov>

Cc: McManus, Catharine <mcmanus.catharine@epa.gov>; Waters, Anthony <Waters.Anthony@epa.gov>;
joycehowell@afge3631.org; mcquic@afge.org; gmony3631@gmail.com

Subject: EO Demand 03182021

marieowens@afge3631.org has attached the following document:



EO Demand 03182021

Google Docs: Create and edit documents online.

Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA

You have received this email because marieowens@afge3631.org shared a document with you from Google Docs.



Ex. 3 5 U.S.C. § 7114(b)(4)

From: James, Nathaniel <james.nathaniel@epa.gov>

Sent: Thursday, March 18, 2021 4:36 PM

To: Vizian, Donna <Vizian.Donna@epa.gov>

Cc: Jackson, Yvette <Jackson.Yvette@epa.gov>; Brown, Philip <Brown.Philip01@epa.gov>

Subject: AFGE 3331 Demand for Restoration

Greetings Donna,

Hope that you are doing well. Please see attached the AFGE Demand for Restoration.



Nate James,

AFGE Local 3331

Employee Representative @EPA

Washington, DC, 20460

☎: 202-566-2454 ✉: james.nathaniel@epa.gov

Note: This e-mail is intended for the exclusive use of the recipient(s) named above, and must not be disseminated or copied to other non-authorized persons. If you have received this e-mail in error, please contact the sender immediately. Thank you.

Message

From: Brown, Philip [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4B24B9117CFE4C2FA779DB64B5FDCD63-BROWN, PHIL]
Sent:
To:
Subject: **Ex. 3 5 U.S.C. § 7114(b)(4)**
Attachments:

Ex. 3 5 U.S.C. § 7114(b)(4)

Phil Brown

Director, Labor Employee Relations Division
Office of Human Resources / Mission Support
US Environmental Protection Agency
1200 Pennsylvania Ave NW, Mail Code: 3602A
Washington, DC 20460
Office: (202) 564-2607
Cell: (202) 235-5630
Email: Brown.Philip01@epa.gov

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Ex. 3 5 U.S.C. § 7114(b)(4)

From: Brown, Philip <Brown.Philip01@epa.gov>

Sent: **Ex. 3 5 U.S.C. § 7114(b)(4)**

To: Cathie McQuiston <MCQUIC@afge.org>; **Ex. 3 5 U.S.C. § 7114(b)(4)**

Cc: John Howard <John.Howard@afge.org>

Subject: **Ex. 3 5 U.S.C. § 7114(b)(4)**

Ex. 3 5 U.S.C. § 7114(b)(4)

Respectfully,
Phil

Phil Brown

Director, Labor Employee Relations Division
Office of Human Resources / Mission Support
US Environmental Protection Agency
1200 Pennsylvania Ave NW, Mail Code: 3602A
Washington, DC 20460
Office: (202) 564-2607

Cell: (202) 235-5630

Email: Brown.Philip01@epa.gov

From: Cathie McQuiston <MCQUIC@afge.org>

Sent: Thursday, March 25, 2021 12:51 PM

To: Bednarczyk Walt <wbednarczyk@fmcs.gov>

Cc: John Howard <John.Howard@afge.org>; Brown, Philip <Brown.Philip01@epa.gov>

Subject: AFGE and EPA

Good afternoon Commissioner Bednarczyk

AFGE and EPA are working on a way forward to implement EO 14003 that would restore rights and contract as contemplated in that EO and the OPM guidance to agencies around implementation. The parties have made no progress on this issue. We would like to request your assistance in seeing if the parties can reach agreement about implementation. I have copied here Mr. Philip Brown who is now the Director of Labor Relations at EPA.

The parties appear to be available April 1 or 2. Do you have any availability on those dates? We appreciate your assistance.

Cathie McQuiston, Deputy GC

AFGE General Counsel's Office

202-639-4011

CAUTION: **This email originated EXTERNALLY - Please think before clicking on any links, opening attachments or replying.**

Message

From: Brown, Philip [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4B24B9117CFE4C2FA779DB64B5FDCD63-BROWN, PHIL]
Sent: Ex. 3 5 U.S.C. § 7114(b)(4)
To: Cathie McQuiston [MCQUIC@afge.org]; John Howard [John.Howard@afge.org]
CC: Ex. 3 5 U.S.C. § 7114(b)(4) AFGE AtEPA [AFGEAtEPA@AFGE.org]
Subject: Ex. 3 5 U.S.C. § 7114(b)(4)

Ex. 3 5 U.S.C. § 7114(b)(4)

Phil

Phil Brown

Director, Labor Employee Relations Division
Office of Human Resources / Mission Support
US Environmental Protection Agency
1200 Pennsylvania Ave NW, Mail Code: 3602A
Washington, DC 20460
Office: (202) 564-2607
Cell: (202) 235-5630
Email: Brown.Philip01@epa.gov
Pronouns: *he/him/his*

From: Cathie McQuiston <MCQUIC@afge.org>
Sent: Friday, April 9, 2021 10:43 AM
To: Brown, Philip <Brown.Philip01@epa.gov>; John Howard <John.Howard@afge.org>
Cc: York, Silas (Elwood) <York.Silas@epa.gov>; AFGE AtEPA <AFGEAtEPA@AFGE.org>
Subject: RE: Question about CBA Article numbers...

Phil

Yes we can agree as you suggest. I believe I had the imposed contract as a hard copy when we met last week and was what I was referring to. I've attached the 2020 agreement here and have checked your list against the TOC there.

Cathie

From: Brown, Philip <Brown.Philip01@epa.gov>
Sent: Ex. 3 5 U.S.C. § 7114(b)(4)
To: Cathie McQuiston <MCQUIC@afge.org>; John Howard <John.Howard@afge.org>
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Cathie et al,

Ex. 3 5 U.S.C. § 7114(b)(4)

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Thanks,
Phil

Phil Brown

Director, Labor Employee Relations Division
Office of Human Resources / Mission Support
US Environmental Protection Agency
1200 Pennsylvania Ave NW, Mail Code: 3602A
Washington, DC 20460
Office: (202) 564-2607
Cell: (202) 235-5630
Email: Brown.Philip01@epa.gov

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Subject: Ex. 3 5 U.S.C. § 7114(b)(4)

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Respectfully,
Phil

Phil Brown

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US Environmental Protection Agency
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Washington, DC 20460
Office: (202) 564-2607
Cell: (202) 235-5630
Email: Brown.Philip01@epa.gov

From: Cathie McQuiston <MCQUIC@afge.org>
Sent: Thursday, March 25, 2021 12:51 PM
To: Bednarczyk Walt <wbednarczyk@fmcs.gov>
Cc: John Howard <John.Howard@afge.org>; Brown, Philip <Brown.Philip01@epa.gov>
Subject: AFGE and EPA

Good afternoon Commissioner Bednarczyk

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The parties appear to be available April 1 or 2. Do you have any availability on those dates? We appreciate your assistance.

Cathie McQuiston, Deputy GC
AFGE General Counsel's Office
202-639-4011

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Sent:

To:

CC:

Subject:

Ex. 3 5 U.S.C. § 7114(b)(4)

Ex. 3 5 U.S.C. § 7114(b)(4)

Thanks,

Phil

Phil Brown

Director, Labor Employee Relations Division
Office of Human Resources / Mission Support
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1200 Pennsylvania Ave NW, Mail Code: 3602A
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Sent: Thursday, March 18, 2021 12:39 PM

To: Blevins, John <Blevins.John@epa.gov>; Allenbach, Becky <Allebenach.Becky@epa.gov>; Asencio, Carlos I. <Asencio.Carlos@epa.gov>

Cc: Hughes-Fairley, Rosalyn <Hughes-Fairley.Rosalyn@epa.gov>; Vancuron, Francine <vancuron.francine@epa.gov>; Porter, Sharron <Porter.Sharron@epa.gov>; diannamyers534afge@gmail.com

Subject: AFGE Local 534 Request of Implementation of the Biden Executive Orders

Good Afternoon John,

Please find the attached memo which request Region 4 to implement the Biden Executive Orders. Please let me know if you have any additional questions.

Dianna B Myers

President, AFGE Local 534

Ph-404-562-9207

Email-Myers.dianna@epa.gov

Cell-678-895-5263

Email-Diannamyers534afge@gmail.com

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Subject: RE: AFGU Union Office

Thank you, Kerry. Per my March 23 email, we should also discuss getting back the key to the 12th floor bulletin board and the union phone line. There was a phone and computer in the office that we want to discuss as well, but those are not needed immediately. I'm out this week, but let's set up a time to go through these things next week. Thanks.

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Phil Brown

Director, Labor Employee Relations Division
Office of Human Resources / Mission Support
US Environmental Protection Agency
1200 Pennsylvania Ave NW, Mail Code: 3602A
Washington, DC 20460
Office: (202) 564-2607
Cell: (202) 235-5630
Email: Brown.Philip01@epa.gov

From: Brown, Philip
Sent: **Ex. 3 5 U.S.C. § 7114(b)(4)**
To: **Ex. 3 5 U.S.C. § 7114(b)(4)** Cathie McQuiston <MCQUIC@afge.org>
Cc: John Howard <John.Howard@afge.org>; **Ex. 3 5 U.S.C. § 7114(b)(4)**
Subject: **Ex. 3 5 U.S.C. § 7114(b)(4)**
Ex. 3 5 U.S.C. § 7114(b)(4)

Good Morning,

Ex. 3 5 U.S.C. § 7114(b)(4)

Phil Brown

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Respectfully,
Phil

Phil Brown

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Sent: Thursday, March 25, 2021 12:51 PM

To: Bednarczyk Walt <wbednarczyk@fmcs.gov>

Cc: John Howard <John.Howard@afge.org>; Brown, Philip <Brown.Philip01@epa.gov>

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AFGE General Counsel's Office
202-639-4011

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Message

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Respectfully,
Phil

Phil Brown

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Office: (202) 564-2607
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Email: Brown.Philip01@epa.gov

From: Cathie McQuiston <MCQUIC@afge.org>
Sent: Friday, April 2, 2021 9:08 AM
To: Brown, Philip <Brown.Philip01@epa.gov>; Bednarczyk Walt <wbednarczyk@fmcs.gov>
Cc: John Howard <John.Howard@afge.org>
Subject: Re: [EXTERNAL] RE: AFGE and EPA

9:30 is the start time

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From: Brown, Philip <Brown.Philip01@epa.gov>
Sent: Ex. 3 5 U.S.C. § 7114(b)(4)
To: Ex. 3 5 U.S.C. § 7114(b)(4); Cathie McQuiston <MCQUIC@afge.org>
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Subject: Ex. 3 5 U.S.C. § 7114(b)(4)

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Respectfully,
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Sent: Friday, April 9, 2021 10:43 AM

To: Brown, Philip <Brown.Philip01@epa.gov>; John Howard <John.Howard@afge.org>

Cc: York, Silas (Elwood) <York.Silas@epa.gov>; AFGE AtEPA <AFGEAtEPA@AFGE.org>

Subject: RE: Question about CBA Article numbers...

Phil

Yes we can agree as you suggest. I believe I had the imposed contract as a hard copy when we met last week and was what I was referring to. I've attached the 2020 agreement here and have checked your list against the TOC there.

Cathie

From: Brown, Philip <Brown.Philip01@epa.gov>

Sent: Ex. 3 5 U.S.C. § 7114(b)(4)

To: Cathie McQuiston <MCQUIC@afge.org>; John Howard <John.Howard@afge.org>

Cc: Ex. 3 5 U.S.C. § 7114(b)(4)

Subject: Ex. 3 5 U.S.C. § 7114(b)(4)

Ex. 3 5 U.S.C. § 7114(b)(4)

Cathie et al,

Ex. 3 5 U.S.C. § 7114(b)(4)

Thanks,

Phil

Phil Brown

Director, Labor Employee Relations Division
Office of Human Resources / Mission Support
US Environmental Protection Agency
1200 Pennsylvania Ave NW, Mail Code: 3602A
Washington, DC 20460
Office: (202) 564-2607
Cell: (202) 235-5630
Email: Brown.Philip01@epa.gov

Ex. 3 5 U.S.C. § 7114(b)(4)

Ex. 3 5 U.S.C. § 7114(b)(4)

From: Marie Owens <marieowens@afge3631.org>

Sent: Wednesday, March 24, 2021 9:01 AM

To: Esher, Diana <Esher.Diana@epa.gov>; McManus, Catharine <mcmanus.catharine@epa.gov>

Cc: Joyce Howell <joycehowell@afge3631.org>; Waters, Anthony <Waters.Anthony@epa.gov>; Jan Nation <jannation@afge3631.org>

Subject: Recent AFGE Correspondence

Hello Kate and Diana,

I am writing to you again because we received a non-responsive reply from Chief of LR, Phil Brown. I want to be clear, the Presidents of EPA's 13 AFGE locals find it necessary to clarify the following regarding our recent messages to our local LHRs:

(1) The Presidents demanded that EPA follow the clear direction of EO 14003 and the associated OPM guidance and return to the status quo prior to unlawful implementation of the last contract. No President served upon EPA a request or demand to bargain these items;

(2) The Presidents provided notice of the requirements immediately applicable to EPA included in EO 14003 as implemented under March 5 OPM Guidance, and

(3) All Presidents plan to move forward as originally stated in our emails.

You are aware that we have spent the last 4 years under an incredibly anti-employee regime, administered by our own Agency's LER. We have all been working early mornings, late nights, and our weekends to represent our members – in order to protect our fellow EPA employees and ensure that there would be an agency to implement our crucial mission when all is said and done. Despite our exhaustion, we won't stop working for the basic fairness which the EPA workforce deserves and which President Biden has promised. But know that we are tired of fighting the people who supposedly are charged with supporting us in our work.

We have so much to get done here to repair the management-employee relationship at EPA. So, we need to immediately set to rights, as directed by EO 14003, the basic tools which allow us to represent our bargaining unit. That was why we gave notice to you, our local office management, that we require return of our office space and bulletin boards, return of our equipment, and return to our official time status. These are all things specifically identified in OPM's March 5 Guidance. EPA management's foot dragging is inconsistent with the President's EO 14003 from two months ago. EPA management had no difficulty expeditiously stripping these things from the Union; it seems implausible that this same efficiency is unavailable now. Please communicate when this week we can expect the return of our physical equipment and space. Local management has the authority to provide remedy to our requests, including by returning space and equipment the union is entitled to, and we are again requesting that you do so immediately. From here, we can get to work on the real issues.

We really do look forward to working with you on helping our Agency to support the employees who make up the heart and soul of EPA.

Thank you,

Marie Owens Powell

President

AFGE Local 3631

Message

From: Cathie McQuiston [MCQUIC@afge.org]
Sent: 3/17/2021 6:03:58 PM
To: Brown, Philip [Brown.Philip01@epa.gov]
CC: AFGE AtEPA [AFGEAtEPA@AFGE.org]
Subject: Voicemail follow up

Mr. Brown

I just left you a voicemail to introduce myself and have a conversation about how the parties are going to move forward in light of EO 14003 and OPM's guidance. I look forward to speaking with you soon.

Cathie McQuiston, Deputy GC
AFGE General Counsel's Office
202-639-4011

Ex. 3 5 U.S.C. § 7114(b)(4)

From: Coryell, Mark <coryell.mark@epa.gov>

Sent: Friday, March 19, 2021 3:13 PM

To: Dunham, Sarah <Dunham.Sarah@epa.gov>

Cc: Christian, Pamela <Christian.Pamela@epa.gov>; Kloc, Daniel <kloc.daniel@epa.gov>

Subject: EO 14003 and AFGE L3907's use of Official Time and Government Resources

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES
LOCAL 3907

MEMORANDUM

MARCH 19, 2021

FROM: Mark Coryell, President
AFGE Local 3907

TO: Sarah Dunham, Director
Office of Transportation and Air Quality

AFGE Local 3907 on behalf of all bargaining unit employees submits this demand for restoration of official time, office space and equipment with a completion date of March 31, 2021.

This demand is made pursuant to President Biden's revocation of certain Presidential and Regulatory actions via E.O. 14003.

On January 22, 2021, President Biden signed Executive Order (EO) 14003 on Protecting the Federal Workforce (attached). Section 1 notes that "Career civil servants are the backbone of the Federal workforce" and that "[i]t is the policy of the United States to protect, empower and rebuild the career Federal workforce." It further notes that "[i]t is also the policy of the United States to encourage union organizing and collective bargaining." To advance these policy objectives, the EO revoked the following EOs:

EO 13836 of May 25, 2018 – Developing Efficient, Effective, and Cost-Reducing Approaches to Federal Sector Collective Bargaining,

EO 13837 of May 25, 2018 – Ensuring Transparency, Accountability, and Efficiency in Taxpayer-Funded Union Time Use, and

EO 13839 of May 25, 2018 – Promoting Accountability and Streamlining Removal Procedures Consistent with Merit System Principles.

These Executive Orders were implemented against AFGE Council 238's bargaining unit by unilateral order issued by the Agency on July 8, 2019. EO 13837 in particular was embodied in the unilateral order, and was never ratified by Council 238 in a subsequent contract. A Unfair Labor Practice was filed on behalf of the union objecting to the working conditions imposed by EO 13837, which included severe limits on official time, imposed official time procedures, rescinded union office space and conference rooms and confiscated equipment.

EO 14003 has lawfully reversed the legal effect of EO 13837.

Further, it is the policy of President Biden that each item unlawfully taken from the union as part of EPA's illegal unilateral order of July 8, 2019, be returned immediately as stated in the Office of Personnel Management Guidance of March 5, 2021(OMB Guidance) . <https://www.chcoc.gov/content/guidance-implementation-executive-order-14003-protecting-federal-workforce>

Relief Sought:

On behalf of the our bargaining unit employees AFGE 3907 is providing notice, that as of March 31, 2021, we expect the immediate return of the following to the union under EO 14003, and will act accordingly on that date with the following expectations:

1. EPA will return AFGE 3907's Union Office in the Lab Building.
2. The Agency will return the printer, telephone, support for office supplies, file cabinets and furniture confiscated by EPA.
3. Official time for Union use will be restored to one FTE immediately.
4. AFGE representatives and employees will no longer be required to submit official time request forms. The recordation of official time will be submitted in people plus only.
5. The use of EPA equipment for union communications and meetings, includes but is not limited to email and MS Teams.

I am available to discuss this matter if you would like.

Ex. 3 5 U.S.C. § 7114(b)(4)

From: Copt, Britta <Copt.Britta@epa.gov>

Sent: Thursday, March 18, 2021 4:00 PM

To: Thomas, Deb <thomas.debrah@epa.gov>; Buhl, Rick <Buhl.Rick@epa.gov>; Fowler, Joshua <Fowler.Joshua@epa.gov>

Cc: Christenson, Dave <Christenson.Dave@epa.gov>; Lohrke, Gregory <lohrke.gregory@epa.gov>; Friel, Brian <Friel.Brian@epa.gov>; Kinard, Sherrie <Kinard.Sherrie@epa.gov>; Archuleta, Richard <Archuleta.Richard@epa.gov>

Subject: Union Office Space and Official Time

Deb, Rick and Josh-

Please see the attached letter regarding the Union's office space and use of official time. Please contact me if you wish to discuss. Thank you!

Britta Copt

President, AFGE Local 3607

EPA Region 8 | 1595 Wynkoop Street | 8ENF-AT-P | Denver, CO 80202
303.312.6229



Protecting the Environment by Protecting EPA Employees

Pronouns: she/her/hers



AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES LOCAL 3607

MARCH 18, 2021

FROM: Britta Copt
President, AFGE Local 3607

TO: Deb Thomas
Acting Regional Administrator

Rick Buhl
Director, Office of Mission Support

Josh Fowler
Human Resources Officer

AFGE Local 3607 on behalf of all bargaining unit employees submits this demand for restoration of official time, office space and equipment with a completion date of March 31, 2021.

This demand is made pursuant to President Biden's revocation of certain Presidential and Regulatory actions via E.O. 14003.

On January 22, 2021, President Biden signed Executive Order (EO) 14003 on Protecting the Federal Workforce (attached). Section 1 notes that "Career civil servants are the backbone of the Federal workforce" and that "[i]t is the policy of the United States to protect, empower and rebuild the career Federal workforce." It further notes that "[i]t is also the policy of the United States to encourage union organizing and collective bargaining." To advance these policy objectives, the EO revoked the following EOs:

EO 13836 of May 25, 2018 – Developing Efficient, Effective, and Cost-Reducing Approaches to Federal Sector Collective Bargaining,

EO 13837 of May 25, 2018 – Ensuring Transparency, Accountability, and Efficiency in Taxpayer-Funded Union Time Use, and

EO 13839 of May 25, 2018 – Promoting Accountability and Streamlining Removal Procedures Consistent with Merit System Principles.

These Executive Orders were implemented against AFGE Council 238's bargaining unit by unilateral order issued by the Agency on July 8, 2019. EO 13837 was embodied in the unilateral order and was never ratified by Council 238 in a subsequent contract. An Unfair Labor Practice was filed on behalf of the union objecting to the working conditions imposed by EO 13837, which included severe limits on

official time, imposed official time procedures, rescinded union office space and conference rooms and confiscated equipment.

EO 14003 has lawfully reversed the legal effect of EO 13837.

Further, it is the policy of President Biden that each item unlawfully taken from the union as part of EPA's illegal unilateral order of July 8, 2019, be returned immediately as stated in the Office of Personnel Management Guidance of March 5, 2021(OMB Guidance).

<https://www.chcoc.gov/content/guidance-implementation-executive-order-14003-protecting-federal-workforce>

Relief Sought:

On behalf of our bargaining unit employees AFGE 3607 is providing notice, that as of March 31, 2021, we expect the immediate return of the following to the Union under EO 14003, and will act accordingly on that date with the following expectations:

1. EPA will return the previous Union office space in the 2nd Floor Conference Center (formerly called the Juniper Room) to representatives of AFGE 3607.
2. The Agency will immediately return the telephones, support for office supplies, file cabinets, furniture and any other items confiscated by EPA.
3. Article 2 of the July 2020 contract Official Time will be rescinded immediately.
4. AFGE representatives and employees will no longer be required to submit official time request forms. The recording of official time will be submitted in People Plus only.
5. Article 6 of the July 2020 contract Use of Agency Facilities will be rescinded immediately.
6. If restoration of the original AFGE office space cannot be completed by March 31, 2021, Region 8 will provide equitable space within the EPA Region 8 Wynkoop facility by the requested date.
7. The use of EPA equipment for union communications and meetings, includes but is not limited to email and MS Teams.